



IN
THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Dated: November 3, 2010

Sponsored by Councilmember(s): Weslar, Webb, Collins, Gerchman, Massey, Rennia, Kramer

Introduced by Committee(s) on: Municipal and Public Affairs

RESOLUTION
entitled

A RESOLUTION EXPRESSING OPPOSITION TO THE
CHESAPEAKE BAY TOTAL MAXIMUM DAILY
LOAD REGULATORY PROPOSAL BY THE UNITED
STATES ENVIRONMENTAL PROTECTION AGENCY
(EPA)

WHEREAS, Chesapeake Bay Total Maximum Daily Load (TMDL) regulatory proposal by the United States Environmental Protection Agency (EPA) raises serious concerns regarding the unattainable mandate and lack of parity represented in pollution load allocations for the State of New York compared to the other Bay states and watershed jurisdiction partners; and

WHEREAS, certain local entities, including Broome County Soil and Water and the Binghamton-Johnson City Joint Sewage Treatment Facility, have encouraged City Council to request a statement of opposition from the New York State Legislature and New York State Governor Patterson; and requests intervention by our elected representatives in the United States Congress, New York State Senate and New York State Assembly in securing a moratorium on regulatory implementation of the Chesapeake Bay TMDL in New York until such objections and concerns are fully addressed; and

WHEREAS, clean water and healthy watersheds are a priority for New York communities, and New York farmers who play a critical role in proven and successful local efforts to conserve and protect New York's natural resources; and

WHEREAS, the EPA Region 3 is implementing a Chesapeake Bay TMDL which imposes new and costly federal regulations on approximately 19 counties, 650,000 residents and 2,000 New York family farms within the NY portion of the Chesapeake Bay watershed area; and

WHEREAS, EPA's proposed TMDL regulation imposes disproportionately heavier restrictions for water quality in New York in order to help the other Bay watershed states meet the overall TMDL goals, ignores New York's excellent record of environmental accomplishments over the past 25 years using state and local conservation efforts, and forces unrealistic costs on businesses, governments and residents within the watershed area; and

**IN
THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Dated: November 3, 2010

WHEREAS, the Federally-designated TMDL, intended to limit nitrogen, phosphorous and sediment discharges into the Chesapeake Bay, is projected to cost New York State communities at least 2 billion dollars and New York State farmers 500 million dollars by 2025, without being able to satisfy EPA's regulatory goal; and

WHEREAS, the best way to achieve the important public benefit of clean water at the regional level is through a locally led conservation efforts, rather than a top-down federal, one-size fits all regulatory mandate such as the EPA's TMDL for the Chesapeake Bay watershed; and

WHEREAS, even if the other states achieve their EPA mandated pollution allocations by 2025, their water would still contain higher nutrient loads per acre than New York's current 2010 load per acre; and

WHEREAS, New York is being expected to make nutrient reductions at proportionately the same level as other states and watersheds where there has been rapid population growth, dramatic expansions of animal agriculture and corresponding significant increased in pollution since 1985, while New York has decreased and contracted; and

WHEREAS, the EPA TMDL will preclude future growth in the New York portion of the watershed in order for New York State to reach and maintain the EPA mandated nutrient and sediment allocations; and

WHEREAS, elimination of all wastewater treatment plant discharges or even with the elimination of animal agriculture and utilizing every best management practice available in the watershed area, New York would still not be able to meet EPA's TMDL allocation; and

WHEREAS, we object to EPA's discriminatory regulatory process that disproportionately burdens our communities and farms with costly mandates, weakens our rural economies; disrupts local food systems and provides no additional water quality protection for the Chesapeake Bay watershed; and

WHEREAS, we oppose EPA increasing its federal regulatory control usurping state and local jurisdiction and authority in order to impose their TMDL, instead of working collaboratively with local communities, Soil and Water Conservation Districts, State environmental and agriculture agencies to address Bay watershed water quality concerns; and

WHEREAS, we object to EPA's regulatory goals being proposed without confirmation of these goals meeting the intended water quality improvement, and without EPA ensuring realistic delivery of needed funding and technical assistance to meet such goals; and

WHEREAS, supporting businesses, communities and farmers, in their environmental management and pollution control endeavors like the community stormwater management programs and the Agricultural Environmental Management Program, etc. is how government can best aid protecting water quality; and

WHEREAS, we support NYS Department of Environmental Conservation's recommendations in their draft Phase I Watershed Implementation Plan which recognizes the

IN
THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Dated: November 3, 2010

environmental stewardship of communities and New York farmers and the inherent inequality of the current EPA proposal.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE that while the City of Binghamton fully supports responsible efforts to improve water quality in the Chesapeake Bay watershed and protect our State's environment and natural resources, we object to the unfair and unattainable mandate the Chesapeake Bay TMDL forces upon our local governments, local communities and family farms; and be it further

RESOLVED that the City of Binghamton requests that the New York State Legislature and New York State Governor Patterson publicly oppose the Chesapeake Bay TMDL load allocations for the State of New York and the unfair burden that this places on the communities and farmers in the Chesapeake Bay watershed in New York; and be it further

RESOLVED that the City of Binghamton urges its Congressional and State representatives to intercede with EPA, and enact superseding legislation if required, to delay implementation of the Chesapeake Bay TMDL and request that EPA report to them on their response and adaptations regarding the aforementioned concerns; and be it further

RESOLVED, that the Clerk of the City of Binghamton shall immediately forward a certified copy of this resolution to our two United States Senators, the Honorable Charles E. Schumer and the Honorable Kirsten E. Gillibrand; to our United States Representative, the Honorable Maurice D. Hinchey; to the Honorable Governor David A. Paterson; to our New York State Senator, the Honorable Thomas W. Libous; to our New York State Assemblywoman, the Honorable Donna A. Lupardo; to the Acting Commissioner of the NYS Department of Environmental Conservation; and to the Commissioner of the NYS Department of Agriculture and Markets; and be it further

RESOLVED, that the Clerk of the City of Binghamton shall immediately forward a certified copy of this resolution to Shawn M. Garvin, Regional Administrator, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029; to Judith Enck, Regional Administrator, U.S. Environmental Protection Agency, Region II, 290 Broadway, New York, New York 10007-1866, and to the Water Docket, Docket ID: EPA-R03-OW-2010-0736, Environmental Protection Agency, Mail Code: 28221T, 1200 Pennsylvania Avenue N.W., Washington, DC 20460 by mail and electronic filing on <www.regulations.gov>; and be it further

RESOLVED, that this Resolution shall take effect immediately.

I hereby certify the above to be a true copy
of the legislation adopted by the Council
of the City of Binghamton at a meeting
held on 11/3/10. Approved by the
Mayor on 11/5/10
